

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JAMES S. WEDGEWORTH, #654616 §  
VS. § CIVIL ACTION NO. 6:18cv390  
DIRECTOR, TDCJ-CID. §

ORDER OF DISMISSAL

Petitioner James Scott Wedgeworth, an inmate confined within the Texas prison system proceeding *pro se*, filed this petition for a writ of habeas corpus challenging several aspects of his confinement. The case was referred to the United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On February 4, 2019, Judge Mitchell issued a Report (Dkt. #7), recommending that Petitioner's habeas corpus petition be dismissed without prejudice for Petitioner's failure to comply with an order of the court (Dkt. #6). Specifically, Judge Mitchell highlighted that while Petitioner filed a motion to proceed *in forma pauperis*, he failed to supply the court with a certified data sheet or trust fund statement as required. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. In fact, a copy of the Report was resent to Petitioner on April 8, 2019, after discovering he was admitted to the Hospital Galveston Unit. To date, however, Petitioner has neither filed objections to the Report nor complied with the order.

Because Petitioner has failed to file objections to Judge Mitchell's Report, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the

unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

**ORDERED** that the Report of the United States Magistrate Judge (Dkt. #7) is **ADOPTED** as the opinion of the court. Further, it is

**ORDERED** that Petitioner's habeas action is **DISMISSED** without prejudice for Petitioner's failure to obey an order of the court. A certificate of appealability is **DENIED**. Finally, it is

**ORDERED** that any and all motions which may be pending in this cause of action are hereby **DENIED**.

**SIGNED this the 19th day of March, 2020.**

  
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RICHARD A. SCELL  
UNITED STATES DISTRICT JUDGE